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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/662,686	09/15/2003	Brian L. Tafel		9779

7590 01/25/2005
BRIAN L. TAFEL
1821 AZALEA LANE
MOUNT PROSPECT, IL 60056

EXAMINER

JILLIONS, JOHN M

ART UNIT	PAPER NUMBER
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3654

DATE MAILED: 01/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/662,686

Applicant(s)

TAFEL, BRIAN L.

Examiner

John M. Jillions

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>9/15/03</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Drawings

1. The drawings are objected to because in Fig. 5 the numeral “18” should be changed to --21--.
2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “computer controls”, the operator controls”, and the “battery” of claim 2, the “sensor” of lines 5, 6 and 15 of claim 4, the “computer operative means” of claim 7 and the “signal broadcasting and receiving means” that perform all the functions recited in claim 9 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled “Replacement Sheet” in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified

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and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. The disclosure is objected to because of the following informalities: page 2, line 3, --to— should be added after “relates”; page 3, line 7, --for—should be added after “space”; page 4, line 3, “we” should be --web--; page 5, next-to-last line, “Th” should be --The--; page 7, line 3, “w b” should be --web--; page 7, line 4, “mov d” should be --moved—and “th” should be --the--; page 7, line 21, “is shown”, first or second occurrence should be deleted; page 7, line 29, “17” should be --saddles 24--; page 7, line 31, “saddl s” should be --saddles--; page 7, line 33, “support d” should be --supported--; page 8, line 18, “even” should be --event--; page 8, line 29, the comma should be changed to a period; and page 8, line 32, “subs quent” should be --subsequent--.

Further, the following elements shown in the drawings should be described in the specification: elements 3, 5, 6, 9, 11, 13, 14, 15, 16, 22, 23, 25, 28, 29, 41 and 44.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 1, line 10, the recitation that the “roll transport vehicular means” are “engaged by” the roll positioning means seen to be referring to the members 14, 15, Fig. 1 that positions the vehicle at a certain spot relative to the unwinding device. However, from the

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further reading of the claim this phrase also appears to be referring to the arms 8 and related structure that moves the new roll into the unwinding device. While both structures can be claimed as a means for performing the various functions the recitation in line 10 that the vehicle is “engaged by” those means renders the claim somewhat unclear. Furthermore, line 17, “the first roll assembly” is without proper antecedent basis. Also in claim 1, line 18, “said assembly” should be –second roll—to be accurate.

Claim 3, line 1, “attached to” is without proper antecedent basis since the “roll positioning means” has not previously been recited in claim 1 as being “attached” to the vehicle.

Claim 5, line 1, “said first roll” should be –said second roll—to be accurate, and in line 20, “and splice in combination” should apparently be deleted since the severing means does not also splice the webs.

Claim 6, line 9, “said first roll” should be –said second roll—to be accurate and in line 14, “said second roll” should be –said first roll--.

Claim 8, lines 2-3, “thr roller supporting, loading, splicing and core retrieval mechanisms” are all without proper antecedent basis.

Claim 9, line 3, “but not limited to” is considered vague and in the last line, “said unwinding devices” is without antecedent basis.

Claim 11, lines 13 and 14, “said first roll assembly” and “said second roll assembly” are without proper antecedent basis.

Allowable Subject Matter

5. Claims 1-11 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

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Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Bryt and Forbes are cited to show other splicing mechanisms. None of the cited prior art however discloses the claimed invention recited in the independent claims of a vehicle means that can splice and the webs and change the old roll for a new one at an unwinding station.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John M. Jillions whose telephone number is (703) 308-2685. The examiner can normally be reached on M-F 9:15 - 5:45.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki can be reached on (703) 308-2688. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



John M. Jillions
Primary Examiner
Art Unit 3654

jmj